

Application No. 10/759627
Page 7

Amendment
Attorney Docket No. P68.2H-11447-US01

Amendments To The Drawings:

None

FEB 12 2007

Application No. 10/759627
Page 8

Amendment
Attorney Docket No. P68.2H-11447-US01

Remarks

This Amendment is in response to the Office Action dated November 3, 2006. A one month extension of time is required and attached.

The undersigned discussed this application and the Office Action mailed by Examiner Lhymn who apparently no longer is employed by the United States Patent Office. Mr. Stashick and I discussed that the Cooke reference could be grasped, but that it would either take both hands or would fall if paint was in the container. Since claim 1 had language that could allow it to be perceived as being like Cooke, the claim has been amended.

As amended, claim 1 now requires that the gripping members are formed in the wall on opposing sides of the container with paint in the container therebetween. The gripping members are gripped with a thumb on one member and fingers on the other member. In marked contrast, the Cooke has two separate, formed tabs that extend out from the main body. In theory, the tabs could be grasped with a single hand. However, it should be immediately obvious that if paint was in the container that no user could grip the container as the center of gravity would force it to torque and twist away, spilling the paint. Thus, the two tabs in Cooke are not in fact "grippable members" especially as now defined which specifies that paint is therebetween.

It is respectfully submitted that the claims are neither anticipated nor obvious over the cited art. Note that as amended, the claims cannot be anticipated nor obvious over Beback, since its "grippable member" is simply an external handle 12 which is not met by the claim limitations.

Finally, as to the secondary rejections, it is noted that Cooke is completely silent as to the inventive combination of claims 2-4 since there is no appreciation of torque whatsoever. Nothing in Cooke contemplates having grippable members as now designed. The Cooke tabs

Application No. 10/759627
Page 9

Amendment
Attorney Docket No. P68.2H-11447-US01

cannot be simply modified to lower torque to that of the claims. The rejection is respectfully traversed. As to claims 5-7 it is noted that there is nothing in Bebak nor Pereira Da Silva that would suggest to one of ordinary skill in the art to so modify an external handle that it is now as defined by amended claim 1.

Newly added claims 22 and 23 are added as variants from claim 1. Claims 22 expresses the gripping members but does not positively require that they be formed in the wall "on opposing sides." Claim 23 requires that the gripping members are opposing opposite an arcuate section (reference numeral 26) with which the palm of the user's hand would contact.

Conclusion

It is respectfully submitted that the claim amendment clearly traverses the previous rejections and that claims 1-23 should now be allowable.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: February 12, 2007

By: _____

Scott Q. Vidas

Registration No.: 30812

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\sqv\11447us01_amd_20070212.doc